

502 KAR 15:020. Definitions.

RELATES TO: KRS 189.450, 189.752, 189.753

STATUTORY AUTHORITY: KRS 189.753(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189.753(3) directs the Department of State Police to locate abandoned vehicles, order their removal from the rights-of-way of state highways, and notify the owners of vehicles. This administrative regulation is adopted to define the procedures for location, removal, notification of owners and sale of abandoned vehicles.

Section 1. The department shall locate, order removal of, and send notification to the owner of vehicles which are abandoned on the rights-of-way of state highways. This administrative regulation will not affect vehicles abandoned on toll roads, interstate highways or other fully controlled access highways as defined in 603 KAR 5:025.

Section 2. Definitions. (1) "Presumed abandoned" means it has been determined that a vehicle has been left upon the rights-of-way of a state highway for fifteen (15) consecutive days.

(2) "Rights-of-way" means in addition to the actual width of a state highway and the area between any separated highway, those areas lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, cornerstones or other similar monuments indicating the boundary line.

Section 3. Location of Abandoned Vehicles. When the Department of State Police observes a vehicle that is apparently abandoned on a state highway, a stalled vehicle check form shall be affixed to the vehicle noting the date and location. Notwithstanding the provisions of KRS 189.450, the vehicle shall be presumed abandoned if it remains at the location for fifteen (15) consecutive days.

Section 4. Removal and Storage of Abandoned Vehicles. (1) When a vehicle is presumed abandoned, the Department of State Police may order any person engaged in the business of storing or towing motor vehicles to remove the abandoned vehicle to a site chosen by such person.

(2) As soon as practicable, the Department of State Police shall if possible notify the owner by certified mail that the vehicle was illegally upon public property; the present location of the vehicle; that retrieval will require payment of towing and storage charges; and that the vehicle may be sold if not claimed within sixty (60) days.

(3) No notification shall be required if ownership cannot be determined.

(4) Notice by the Department of State Police shall constitute substantial compliance of the notice requirement by the towing and storing business.

Section 5. Sale of Abandoned Vehicles. (1) If after a period of sixty (60) days the reasonable charges for towing and storing the vehicle have not been paid, the vehicle may be sold by the owner of the towing or storing facility to pay the charges.

(2) Prior to setting any date for sale, the towing or storage facility shall contact the state police and determine if the vehicle is part of an ongoing investigation which would preclude sale, and to inform the state police of any anticipated date of sale.

(3) Ten (10) days prior to the sale, the towing or storing facility shall send a certified letter to the owner stating the time and place of the sale.

(4) If the owner fails to respond to this second notice or make provisions to pay the towing and storage charges, the vehicle may be sold pursuant to KRS 376.275.

(5) In the event of such sale, the state shall receive any proceeds after the satisfaction of all liens placed on the vehicle.

(6) The towing or storage facility selling any vehicle shall by affidavit inform the Department of State Police of the towing and storage charges, the proceeds of the sale, and transmit any excess funds which shall be deposited in the state police agency fund account. (13 Ky.R. 601; eff. 10-2-86.)